

REMARKS

This responds to the Office Action mailed on November 10, 2004. No claims are amended, no claims are canceled, and no claims are added. As a result, claims 1-22 are now pending in this application.

If the Examiner is not convinced that the pending claims are in condition for allowance after reviewing this document, the courtesy of an Examiner's Interview is respectfully requested prior to preparing and mailing any Final Office Action.

§103 Rejection of the Claims (I)

Claims 1-4, 6-10, 19 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Slemmer et al. (U.S. Patent 6,377,990 B1, hereinafter "Slemmer") in view of Shah et al. (U.S. Patent 6,694,361 B1, hereinafter "Shah"). The Applicant does not admit that Slemmer or Shah are prior art, and reserves the right to swear behind these references in the future. The Applicant also respectfully asserts that a *prima facie* case of obviousness has not been established as required by M.P.E.P. § 2142, and therefore traverses these rejections.

Applicant submits that Shah is not prior art with respect to claims 1-22 of the present application, since a reference asserted under 35 U.S.C. 102(e) that was commonly owned with an application at the time the invention was made cannot preclude patentability under 35 U.S.C. 103 of an application filed on or after November 29, 1999. 35 U.S.C. 103(c); 1233 OG 55 (April 11, 2000).

Statement of Common Ownership Under 35 U.S.C. 103(c)

The present application was filed on December 28, 2000, which is after November 29, 1999. The present application and Shah et al. (U.S. 6,694,361 B1) were, at the time the Applicant's invention was made, owned by or subject to an obligation of assignment to the same entity: Intel Corporation.

Since common ownership of Shah and the Application render the combination of Slemmer and Shah moot, the Applicants respectfully request withdrawal of this rejection under 35 U.S.C. §103(a), and allowance of pending claims 1-4, 6-10, 19 and 21.

§103 Rejection of the Claims (II)

Claims 5, 6, 20 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Slemmer in view of Shah and further in view of Cox et al. (U.S. Patent 6,172,981 B1, hereinafter "Cox"). The Applicant does not admit that Slemmer, Shah, or Cox are prior art, and reserves the right to swear behind these references in the future. The Applicant also respectfully asserts that a *prima facie* case of obviousness has not been established as required by M.P.E.P. § 2142, and therefore traverses these rejections.

If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); MPEP 2143.03. It is respectfully noted that claims 5 and 6 depend from independent claim 1, and that claims 20 and 22 depend from independent claim 19. Since the Office has not shown claims 1 and 19 to be obvious under 35 U.S.C. § 103(a), and since claims 5, 6, 20, and 22 depend from claims 1 and 19, the Office has not shown claims 5, 6, 20, and 22 to be obvious.

Since common ownership of Shah and the Application render the combination of Slemmer and Cox moot, the Applicants respectfully request withdrawal of this rejection under 35 U.S.C. §103(a), and allowance of pending claims 5, 6, 20, and 22.

Allowable Subject Matter

An objection to claims 11-18 was raised due to these being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, the Applicant respectfully declines to amend these claims since the cited references appear to be ineffective for the reasons discussed above. Thus, claims 11-18 should be allowable in their current form.

Conclusion

The Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. As noted above, if the Examiner is not convinced that the pending claims are in condition for allowance after reviewing this document, the courtesy of an Examiner's Interview is respectfully requested prior to preparing and mailing any Final Office Action.

The Examiner is invited to telephone the Applicant's attorney, Mark Muller at (210) 308-5677, or the Applicant's below-named representative at (612) 349-9592 to facilitate prosecution of this application. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By his Representatives,

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Date Jan. 10, 2005

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 10th day of January 2005.

Chris Hammond

Name

Chris Hammond

Signature